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**FACSIMILE TRANSMITTAL****TO:**

**Name:** Mail Stop AF  
Group Art Unit 3731/Examiner Ryan Severson

**Firm:** U.S. Patent & Trademark Office

**Fax No.:** 571-273-8300

**Subject:** U.S. Patent Application No. 09/626,636

Gary Karlin Michelson

Filed: July 27, 2000

A GUARD FOR USE IN PERFORMING  
HUMAN INTERBODY SPINAL SURGERY

Attorney Docket No. 102.0003-04000

Customer No. 22882

Confirmation No. 6124

**FROM:**

**Name:** Thomas H. Martin, Esq.

**Phone No.:** 330-877-2277

**No. of Pages (including this):** 30


**Date:** September 26, 2007

**Confirmation Copy to Follow:** NO

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**Message:****CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Transmittal Form (in duplicate) and Amendment After Final are being facsimile transmitted to the U.S. Patent and Trademark Office on September 26, 2007.

  
Sandra L. Blackmon

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FORM PTO-1083

Attorney Docket No.: 102.0003-04000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary Karlin Michelson

Serial No: 09/626,636

Filed: July 27, 2000

For: A GUARD FOR USE IN PERFORMING  
HUMAN INTERBODY SPINAL SURGERY

Confirmation No.: 6124

Art Unit: 3731

Examiner: Ryan J. Severson

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Mall Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an Amendment in reply to the Final Office Action dated July 23, 2007 in the above-identified application.

- ☒ No additional fee is required.
- ☐ Applicant hereby requests a \*\*\*-month extension of time to respond to the above office action.

The fee has been calculated as shown below:

The fee has been calculated as shown below.								
	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE		ADD'L FEE DUE	
TOTAL CLAIMS FEE	169	-	171 **	0	LG=\$60 SM=\$25	\$60	\$ 0	
INDEPENDENT CLAIMS FEE	6	-	6 ***	0	LG=\$200 SM=\$100	\$200	\$ 0	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$380 SMALL ENTITY FEE = \$180			\$ 0
TOTAL							\$ 0	

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- ☐ The total amount of \$\*\*\*.00 to cover the \*\*\*-month extension fee is to be charged to Deposit Account No. 50-3726.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. **A copy of this sheet is enclosed.**
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,

MARTIN &amp; FERRARO, LLP

Date: September 26, 2007

By: 

Thomas H. Martin

Registration No. 34,383

1557 Lake O'Pines Street, NE  
Hartsville, Ohio 44632  
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Transmittal of Amendment.DOC

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FORM PTO-1083

SEP 26 2007

Attorney Docket No.: 102.0003-04000  
Customer No. 22882

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In re application of:

Gary Karlin Michelson

Serial No: 09/626,636

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HUMAN INTERBODY SPINAL SURGERY

Confirmation No.: 6124

Art Unit: 3731

Examiner: Ryan J. Severson

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TOTAL CLAIMS FEE	169	-	171	**	LG=\$50 SM=\$25	\$ 0
INDEPENDENT CLAIMS FEE	6	-	6	***	LG=\$200 SM=\$100	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$380 SMALL ENTITY FEE = \$180	\$ 0
TOTAL						\$ 0

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

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Respectfully submitted,

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Transmittal of Amendment LDOC

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**RESPONSE UNDER 37 C.F.R. 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 3731**

**PATENT  
Attorney Docket No. 102.0003-04000  
Customer No. 22882**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	Confirmation No. 6124
Gary Karlin Michelson, M.D.	)	
Serial No.: 09/626,636	)	Group Art Unit: 3731
Filed: July 27, 2000	)	
For: A GUARD FOR USE IN	)	Examiner: Ryan J. Severson
PERFORMING HUMAN	)	
INTERBODY SPINAL SURGERY	)	

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**AMENDMENT AFTER FINAL**

In reply to the Final Office Action of July 23, 2007, and pursuant to 37 C.F.R. § 1.116, Applicant proposes that this application be amended as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks** begin on page 20 of this paper.

Amendment after Final OA 09-26-07.doc